

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

NETLIST, INC.,

Plaintiff,

v.

MICRON TECHNOLOGY, INC. *et al.*,

Defendants.

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Case No. 2:22-cv-00203-JRG-RSP

ORDER

Micron previously filed an Alternative Motion for Leave to Assert Patent Misuse Affirmative Defense (Dkt. No. 222) and Netlist previously filed a Motion for Summary Judgment of No Patent Misuse (Dkt. No. 277) and a Motion to Strike Micron Defendants' Affirmative Defense of Patent Misuse (Dkt. No. 193). Magistrate Judge Payne entered a Report and Recommendation (Dkt. No. 438), recommending grant of Netlist's Motion to Strike, denial of Micron's Motion for Leave, and denial as moot of the Motion for Summary Judgment. Because no objections have been filed and because of the reasons set forth in the Report and Recommendation, the Recommendation is **ADOPTED**. It is therefore **ORDERED** that the Alternative Motion for Leave to Assert Patent Misuse Affirmative Defense (Dkt. No. 222) is **DENIED**, Netlist's Motion for Summary Judgment of No Patent Misuse (Dkt. No. 277) is **DENIED AS MOOT**, and Netlist's Motion to Strike Micron Defendants' Affirmative Defense of Patent Misuse (Dkt. No. 193) is **GRANTED**.

So Ordered this

Feb 19, 2024



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE